THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25376 OF 2005

DATED:30.11.2005

Between:

B. Anantha Reddy

…Petitioner

And

The Director of Mines & Geology,

Government of Andhra Pradesh,

at Hyderabad, and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25376 OF 2005

ORDER:

The petitioner herein seeks a Writ of Mandamus declaring the action of the first respondent, namely, Director of Mines and Geology, in not disposing of the application of the petitioner dt.9.10.2001 for grant of mining lease for Quartz and Felspar in S.Nos.14/4, 14/5 and 14/6 of Cheepunthala Village, Talakondapally Mandal, Mahaboobnagar District, as illegal and arbitrary, and consequently to direct the first respondent to dispose of the application.

It is the case of the petitioner that after receiving the application, the second respondent issued a communication dt.9.10.2001 calling upon the petitioner to attend for inspection and survey of the area. Though such inspection was done, the

application remained un-disposed of causing prejudice to the valuable rights of the petitioner.

Of late, this Court has noticed that whenever applications are made to the competent authority for grant of mining lease (ML) /prospecting licence (PL) or Quarry Lease (QL), be it either the jurisdictional Deputy Director of Mines and Geology or the Director of Mines and Geology, the applications are not disposed of as expeditiously as they deserve to be disposed of. Many Writ Petitions are being filed before this Court seeking direction to the competent authority to dispose of the application for grant of ML/PL/QL.

At the preliminary stage, this Court directed the learned Government Pleader for Industries and the first respondent herein to place before this Court the list of applications for ML/PL/QL pending consideration in all the twenty three Districts. Today, the Director of Mines and Geology, Sri V.D.Rajagopal, appeared in the Court and placed before this Court a list of pending applications from 2001 onwards. A perusal of the same would show that the apprehension of the Court that the pendency is considerably large has come true. Except in the Districts of Guntur, Ranga Reddy and Visakhapatnam, where there is nil pendnecy, in all other Districts applications for ML in the range of 77 to 123 are pending. Insofar as applications for PLs are concerned, it is in the range of 12 to 29, and insofar as quarry lease (QL) applications are concerned, the pendency is between 43 to 226. The following abstract for the last five years would amply prove this.

SL.No.	YEAR	ML	PL	QL
1	2001	123	24	43
2	2002	85	24	97
3	2003	77	18	158
4	2004	102	29	226
5	2005	92	12	156
	TOTAL:	479	107	680

It is brought to the notice of this Court by the learned Government Pleader for Industries as well as the Director of Mines and Geology that the Department is disposing of applications for ML/PL/QL more than 3,500 per annum and wherever the report of the revenue officials or forest officials is pending, such applications are not taken up for consideration. It is also brought to the notice of this Court, in a week from now, the Director of Mines and Geology is going to issue instructions to all the Field Officers to assign one day exclusively in a week for disposal of all the applications and best efforts would be made by all the officers concerned to issue necessary proceedings either accepting the application for grant or rejecting the application or sending a communication giving reasons for keeping the application pending. These submissions are recorded.

It is no doubt true that in the very nature of the duties various officers of the Department of Mines are expected to attend the scores of duties and functions. It does not, however, mean that they can delay the disposal of the application for ML/PL/QL. In the public administration, delay on the part of the public authorities in considering the grievance of the petitioners expeditiously would itself send unwanted signals to the people at large. Indeed, it is settled that delay itself sometimes amounts to arbitrariness and irrationality. Long delay in taking timely action on the applications submitted by the persons for mining lease may itself result in extinguishing valuable rights of the persons. These observations would suffice to drive home the point that there is need for expeditious disposal of applications for ML/PL/QL.

Insofar as the present case is concerned, as noticed supra, the petitioner's application has been kept pending since October, 2001. It is submitted that by reason of Rule 22-D of the Mineral Concession Rules, 1960, as amended in 2003, the petitioner's application for grant of mining lease in respect of land admeasuring 0.984 hectares in S.Nos.14/4, 14/5, and 14/6 of Cheepunthala Village, could not be considered. If that be so, nothing prevented the first respondent to pass appropriate orders on the application, instead of keeping the matter pending which has further resulted the petitioner approaching this Court for second time. Therefore, first respondent is directed to pass appropriate orders on the application made by the petitioner within a period of two weeks from the date of receipt of a copy of this order in accordance with law. Insofar as the other applications are concerned, no direction can be given except ordering above, as they are observations. It shall be open to the Director of Mines and Geology, who is the Head of the Department, to issue appropriate instructions to the Field Officers in this regard.

The Writ Petition with the above observations is accordingly disposed of.

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(V.V.S.RAO, J)

30.11.2005

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